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ABSTRACT

In spite of its colorful history of labor organizing efforts, Illinois has been slow to respond to conditions in higher education that have led to academic collective bargaining nationally. The time has arrived for Illinois leadership to recognize the symptoms and to respond to the issues before higher education is swept into retaliatory collective organizing behavior. Professional educators need to work toward increasingly mutual trust, professionalism and reduction of alienation among themselves. Collective articulation of individual campus goals and objectives must be completed to successfully influence those responsible for statewide governance of higher education. Educators must identify factors that distinguish higher education from public school education to protect the individuality of each district system. Reduction of the ambiguity of leadership and institution of meaningful accountability is essential to deal with the complexities of current societal and educational conditions. Governing boards, the Governor, and legislators must clarify their relationship with one another, with statewide educators, and with the citizens of Illinois. (Author)

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ACADEMIC COLLECTIVE BARGAINING:

THROUGH THE ILLINOIS LOOKING GLASS

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Tweedledum and Tweedledee, Agreed to have a battle.

For Tweedledum said Tweedledee, Had spoiled his new rattle.

Lewis Carroll

FROM THE WIRES OF THE ASSOCIATED PRESS:

SPRINGFIELD, ILL. MAY 4 (AP) - - - - AS MANY AS 17 PERSONS ARE REPORTED DEAD AND 50 WOUNDED AFTER ILLINOIS STATE POLICE FIRED GUNSHOTS INTO A CROWD OF COLLEGE AND UNIVERSITY PROFESSORS DEMONSTRATING HERE TODAY ON THE STEPS OF THE ILLINOIS STATEHOUSE.

THE VOLLEY OF STATE POLICE GUNFIRE WAS REPORTEDLY TRIGGERED BY AN EXPLODING BOMB WHICH KILLED A STATE POLICE SERGEANT. ESTIMATES OF THE DEAD VARY FROM ONE TO 17 PERSONS AND INCLUDE SEVEN TROOPERS AND UP TO 10 PROFESSORS.

THE CONFRONTATION ERUPTED FOLLOWING A STATE-WIDE COLLEGE AND UNIVERSITY PROFESSORS' UNION RALLY. AN ESTIMATED 3,000 PROFESSORS WERE AT THE MASS RALLY, PERIODICALLY INTERRUPTED BY THUNDERSTORMS. THE RALLY WAS HELD TO PROTEST THE LEGISLATURE'S RECENT DECISION TO CUT HIGHER EDUCATION BUDGETS AND THE "NO" VOTE ON COLLECTIVE BARGAINING FOR PUBLIC UNIVERSITY PROFESSORS.

EARLY REPORTS ALLEGE THAT THE RALLY WAS CONCLUDING WHEN 300 STATE TROOPERS MARCHED DOWN RAIN-SOAKED CAPITAL AVENUE AND SURROUNDED THE REMAINING PROTESTORS. A BOMB WAS THROWN INTO THE RANKS OF THE TROOPERS KILLING STATE POLICE SERGEANT M. J. DEGAN AND INJURING 10 TROOPERS. OTHER TROOPERS IMMEDIATELY OPENED FIRE UPON THE DEMONSTRATORS, REPORTEDLY KILLING FOUR SPECTATORS AND WOUNDING SOME 40 OTHERS.

THE EVENTS LEADING UP TO THE SPRINGFIELD INCIDENT AS REPORTED BY

The Haymarket Square Affair,* characterized in the wire-service bulletin, was a climax to ten years of labor violence. The Molly Maguire Riots, The Railway Strike of 1877, the Kearney Episode in California and the Gould-Southwestern strikes had left the nation with the impression that the nation's labor element were inherently criminal in nature. These events, among others, confirmed that impression and terrified a large portion of the nation. The Haymarket Affair accented anarcho-syndicalist principles, drove the labor union terror deeper into the nation's mentality and turned it into outright hysteria. As a result, a violent antiunion campaign followed; legislators rushed new laws curbing freedom of action of labor organizations onto the statute books, the courts convicted union organizers and members of conspiracy, intimidation and wholesale rioting. "Employers, taking advantage of the situation, instituted widespread anti-union campaigns, with Pinkertons, lockouts, black lists and yellow-dog contracts as their chief weapons." (14)

Societal conditions today are certainly less severe than those of the late 1800's, but the conditions themselves are not very dissimilar. Newspaper headlines

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The events described in the wire-service bulletin are modeled after the Haymarket Square Affair, which occurred in Chicago on May 4, 1886. Haymarket occurred as a result of union organizing attempts and employers' responses to those organizing attempts. The 'eight-hour' issue strongly supported by the Central Labor Union and 22 other unions caused some 80,000 workers to go out on strike on May 1, 1886; violence erupted at the Chicago McCormick plant and four workers were killed. A major rally was called for May 4th at Haymarket Square. The rally itself was peaceful, even though many threats of violence had been received. Mayor Harrison, after attending part of the rally himself, ordered the police special squad to be sent home. The precinct captain, J. Bonfield, disregarded the Mayor's order and marched his special squad to Haymarket Square. The bomb-throwing incident occurred and eight "anarchists" were arrested. A speedy trial was held and the eight men were convicted of inciting a riot. Seven of them were sentenced to death; four were executed in November, 1887, another committed suicide and the remaining two appealed to Governor John P. Altgeld for clemency. Six years later, the remaining survivors were granted unconditional pardons and Altgeld's political career was ruined.

spill forth catastrophe upon catastrophe - high unemployment rates, rampant inflation, the world-wide food crisis, the Far East, the Middle East Conflict and many other issues which need not be cited here. Even the higher education 'trade' paper, the Chronicle of Higher Education, has featured headlines which proclaim the straits that higher education has entered in the middle to late 1970's: "Will Enrollments Nosedive?," "The Precarious Presidencies," "Teachers' Unions Girding," "2-Year Colleges: The Boom Slows," " Bookstores in a Bind," and "What Kind of Education, What Kind of Jobs?" Soothsayers of higher education have coined new rhetorical phrases to reflect their respective prophesies, i.e. steady-state, managerial reductionism, zero-base budgeting, faculty development in a time of retrenchment, resource prediction models, adumbrations of the outcome values of higher education, etc. It is as though our society moves from crisis to crisis without giving adequate thought or even consideration to assessing the effects of our collective actions, individual behaviors and decisions about issues which continue to confront and confound us.

Higher education does not stand in singular isolation as an American institution under the 'sturm and drang' of growth, development and change into which all societal institutions must be drawn. Higher education, in general, has lost any semblance of order. Colleges and universities are being forced to close due to prevailing economic conditions, graduates at all degree levels have been forced to accept employment far below their competencies and expectations, graduate education is under severe attack and merit and competency have gradually become vague notions, both once held to be relatively important values in higher education. Among these many issues is one upon which this presentation focuses: that of academic collective bargaining.

The scenario portrayed in the wire-service bulletin was not intended as

a prophesy, for there are relatively few individuals who would care to see that violence be effectuated. Labor leaders of the 1800's did not purposefully plan the events of Haymarket Square, but rather a complex meshing and wrenching of events, conditions and human frailties caused the violence to erupt. This presentation focuses initially upon the growth of academic collective bargaining, the antecedent causes, the current situation in the State of Illinois and reaches some conclusions about academic collective bargaining in Illinois as compared to the national scene.

Academic Collective Bargaining: The National Scene

Academic collective bargaining in the United States has increased its momentum and has become a national issue which can no longer be ignored, for it will not just go away. Mortimer and Lozier (13) report that as of May, 1972 formal recognition has been granted to faculty associations on 254 campuses in the United States. They also estimate that 800 campus faculties are presently negotiating with their respective governing boards on a "meet and confer" basis.

Kelley (10) in October, 1974 indicates that 342 campus faculties have elected exclusive bargaining agents and of those, 279 have negotiated contracts. Four months later in a data up-date, Kelley (11) notes that some fifteen additional bargaining agents have been elected with the same number of contracts negotiated. The total number of elected bargaining agents now stands at 357 and negotiated contracts at 294. The primary upsurge of both elected agents and negotiated contracts has occurred in the community college sector of higher education, but this increase has had a decided influence upon senior institutions, both private and public.

While the growth of academic collective bargaining has indeed been rapid,

the accelerating interest and commitment to collective negotiations has not produced a uniform and readily identifiable national trend. Hedgepeth (6) concludes a narrowly defined study of one incident with the statement that his findings were "at best a snapshot of how things are at some point in time." Spector (17) in "Has the Tide Turned for Faculty Unions?," writes that

> *the spread of collective bargaining has been noticeably uneven, having been confined to two-year institutions, small private four-year institutions and a handful of large public four-year colleges and universities of good but not prestigious reputation.*

The growth of collective negotiations on campuses may be understood, if the causative factors contributing to this growth are examined. The following section briefly presents such an examination.

Causative Factors in Academic Collective Bargaining

Garbarino (5) in a perceptive analysis of the antecedents of faculty unionism, points to two major causative elements. One is the desire of professionals to control collectively the conditions under which they exercise their skills. The other is the effects of large, complex organizational bureaucracies which tend to depersonalize and rationalize employee-employer relationships in general. Garbarino's two elements have historical support, if the labor movement of the late 1800's is taken into consideration.

Factors contributing to faculty unionism which Garbarino stresses include the movement to extend legal encouragement to public sector employees, "the cycle of boom and quasibust that higher education has passed through in terms of enrollment and finances along with concurrent shifts in public attitudes of higher education," and the organizational structures of higher education.

Ladd and Lipset (12) state that the rapid growth of collective bargaining is an extension of powerful trends toward equalization and away from elitism

that have characterized much of American society since the mid-1960's. They further suggest that there has been a rather "sharp reversal of the historic position of the professoriate that their interest and status as professionals are basically incompatible with the spirit of trade unionism, identified in the past largely with manual workers."

Faculty perceptions that their traditional 'rights and powers' are being encroached upon by external forces is another contributing factor. These external forces include distant governing boards, isolated central board personnel, legislatures, governors, state budget offices and super-boards of higher education. As a direct result of the tumultuous 60's, state legislatures have imposed statutes pertaining to class load, tenure, productivity, faculty and student conduct; thereby usurping traditional faculty power. During this usurpation, faculty and administrators sat blithely by having little, if any, influence upon their losses.

Another contributing factor is the minor, yet significant gains in power and authority made recently by students. Many campus committees which had formerly been controlled by faculty, now have student membership; many with voting privileges and much more influence upon policy recommendations made by select campus committees. An increasing amount of agenda time at governing board meetings is given to discussing student related issues rather than to faculty issues. Is it any wonder that some faculty feel alienated and distant from direct control over their professional lives and exercise of their responsibilities? The impotence that faculty perceive is real and collective bargaining may be viewed as a attempt by faculty to recoup their former status.

Public dissatisfaction with higher education also has contributed to the movement toward collective bargaining. Administrators and faculty alike have

neglected to relate and communicate their professional activities to their various publics and thereby have lost public understanding and consequently support. Keiser (9) proposes that higher education as a result of the events of the 1960's, remains distended and "coreless." He clarifies this contention with,

> *The core was removed when teachers colleges became universities without an understanding or an agreement on what was meant; when universities became multiversities or megaversities with forethought reminiscent of that which led Standard Oil from a corporation, to a trust, to a holding company; when church related colleges adopting a new secularity gave up their central purpose without an equally fervent or compelling curricular or spiritual replacement; and when community colleges mushroomed in multiple locations with few precise agreements on the limitations of their activities of how they fitted into the broader scheme of things in higher education.*

Another factor, to which Garbarino only alludes, is the increased use of managerial jargon within the groves of academe. The jargon is sometimes used to mystify, confuse and confound. The assumption has been made that if higher education is a major growth industry, the managerial terminology must accompany the growth and the industry. Such phrases as "credit-hour production," "bi-lateral decision-making," "systems approaches," "management by objectives," "synergistic components," and the like have added to the confusion rather than the intended clarity of purpose to which end the terminology was supposedly developed. Widespread misunderstanding of managerial jargoneese does exist and adds fuel to the fires of collective bargaining, (e.g. the spread of the dread Carbondale Disease [2] is but one example of jargoneese and management gone awry).

Higher education traditions have been challenged and methodologies which have withstood prior attacks have been reordered significantly. Some of the indicators are University Without Walls, external degrees, three-year under-

graduate degree programs, open admissions, radical changes in grading systems, competency-based education, faculty evaluation by students, the spread of anti-intellectualism, fluctuating academic standards, and widespread confusion regarding the collective scope and mission of higher education in the United States have contributed to faculty unionism.

Cass and Birnbuam (4) point out that, "many occupational groups in America have learned that it is not the justice of the individual demands that wins increased salaries and higher status from society, but the economic and political power of organized groups." They further point out that society's ambivalent attitude toward the professoriate, perhaps coupled with the professoriate's own traditional feelings of self-doubt have created an environment in which professors, "have been undergoing a process of progressive alienation both from the school as an institution and from the community it serves."

Howe (7) in discussing collective bargaining with regard to the role of faculty in power and authority relationships, states,

> *It has long been recognized by most of those in the field that there has been a sense of alienation of teaching faculty from administration, and perhaps even vice versa; it may be characterized as a kind of cold war of long standing, and now it is becoming increasingly hot. Of course, the radical change in our society serves only to accentuate the tension. If conflict-reducing and tension-relieving mechanisms are either necessary or desirable, why can we not call upon the traditional mechanisms, and expect, reasonably and confidently, that they will suffice? This was the first, predictable reaction to the spector of collective bargaining especially evident in the community college.*
>
> *John Livingston, long an active participant in the California faculty senate movement, warned, "Those who will not share their power willingly are likely to share it unwillingly- across the bargaining table, and with a professional union." Others have gone further to declare categorically that where collective bargaining appears, the college president stands condemned of not having treated faculty as faculty. This argument suggests that the emergence of collective bargaining is not the beginning of a time of trial but the end of one, and an ending with an automatic verdict of guilty. Small wonder that academic officers view this change, in Eric Hoffer's words, as a "crisis in self-esteem."*

Academic Collective Bargaining In Illinois

Illinois higher education has not stood in splendid isolation as academic collective bargaining has spread nation-wide. Union activity in Illinois is among the highest in the nation, both in the industrial as well as educational sectors. Prior to reviewing legislative efforts regarding collective bargaining for public sector employees, a discussion of the current structure and status of public higher education in Illinois is presented.

Governor Otto Kerner, in his 1961 inaugural speech, recommended to the Illinois General Assembly that a central state planning agency be established to advise the legislature and the Governor on matter relating to higher education. Legislative action was taken and the Illinois Board of Higher Education (IBHE) was created. The charge to the IBHE included master planning for the entire state which has evolved through three major phases and is presently launching into a fourth major phase. Illinois' state-wide governance system for higher education is referred to as the 'system of systems.'

The formal governance structure of the 'system of systems' includes five major sub-system boards, with the responsibility for the total orchestration or "systems-interface" falling to the IBHE. Statutorially, the IBHE was mandated to planning and coordinating functions. Coordinating has been called vague and misleading by some educators in Illinois, and IBHE detractors often charge that the agency controls rather than coordinates, and oversteps its legal responsibilities. Keenan (8) describes the system of systems as a complex governance arrangement created by the General Assembly over a fourteen year period upon the recommendations of the IBHE.

The formal governing bodies of Illinois higher education are as follows:*

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*See Figure 1.

(1) University of Illinois Board of Trustees [elected by the people of the state]
   a. Urbana-Champaign Campus
   b. Chicago Circle Campus
   c. Medical Center Campus (Chicago)
   d. Regional Medical School Facilities
      1. Peoria
      2. Rockford
      3. Urbana-Champaign

(2) Southern Illinois University Board of Trustees [appointed by the Governor]
   a. SIU-Carbondale
   b. SIU-Edwardsville
   c. SIU Medical School-Springfield

(3) Board of Regents [appointed by the Governor]
   a. Northern Illinois University-DeKalb
   b. Illinois State University-Normal
   c. Sangamon State University-Springfield [upper-division]

(4) Board of Governors [appointed by the Governor]
   a. Eastern Illinois University-Charleston
   b. Western Illinois University-Macomb
   c. Chicago State University-Chicago
   d. Northeastern Illinois University-Chicago
   e. Governors State University-Park Forest [upper-division]

(5) Community College Board [appointed by the Governor]
   38 junior college districts in Illinois each with a local board, bunding is shared by each district and the state.

   48 community colleges within this system.

   Special statutory provisions are made for the Chicago City Colleges of which there are 8 having single board and a chancellor.

The 'system of systems' is further complicated by the role of the executive branch of state government.* During the administration of Republican Governor Richard B. Ogilvie (1969-73), a powerful Bureau of the Budget [BOB] was established as a fiscal extension of the governor's office. Ogilvie's successor, Democratic Governor Daniel Walker, has maintained the BOB in this

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*See Figure 2.

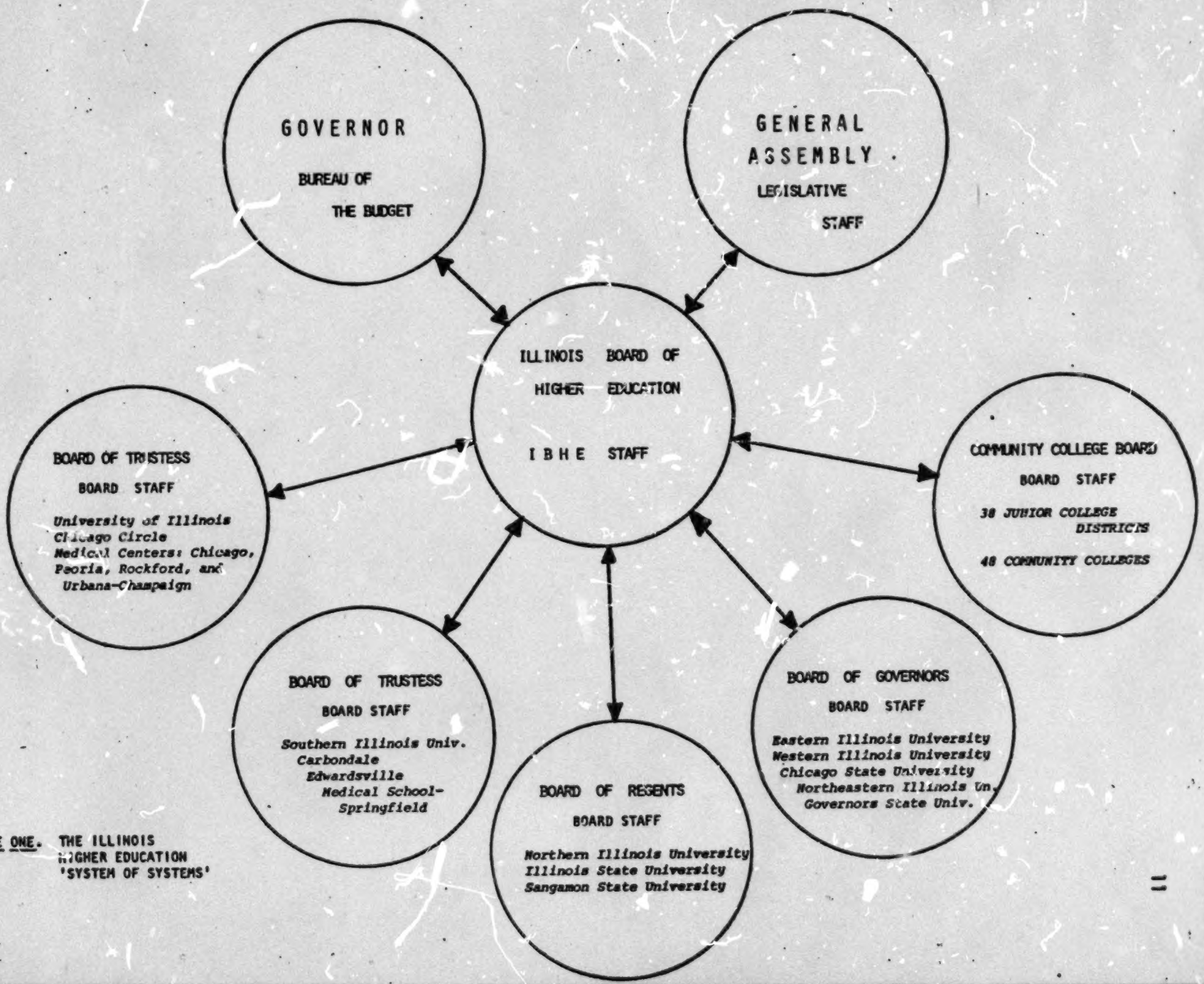
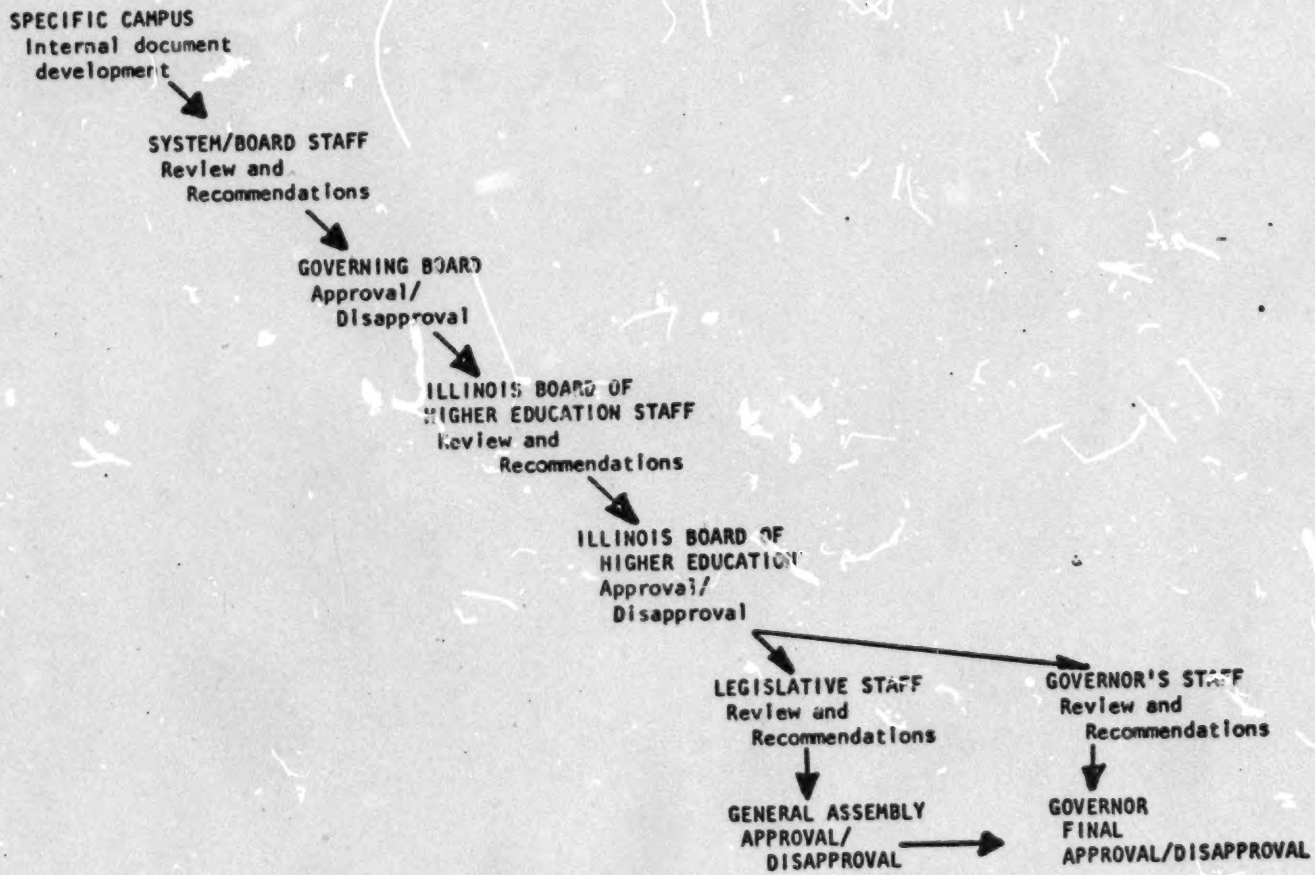


FIGURE ONE. THE ILLINOIS HIGHER EDUCATION 'SYSTEM OF SYSTEMS'

FIGURE TWO.

PROCESS FOR THE DEVELOPMENT AND FINAL APPROVAL FOR PROPOSALS AND BUDGETARY REQUESTS PRESENTED TO THE ILLINOIS GENERAL ASSEMBLY IS THE RESULT OF INTERACTION BETWEEN THE FOLLOWING CAST OF INDIVIDUALS, COMMITTEES AND SYSTEM PERSONNEL:



role. Over the past four years, conflicts have developed between the IBHE and the BOB (which is directly responsible to the governor) regarding the consolidated state higher education budget. A recent "secret" report developed by BOB personnel suggested that Illinois higher education is over-extended, far too well financially supported and must be reduced in order to preserve quality education for Illinois citizens.

The role of the State's legislation branch also has changed. Newly strengthend staffs of key educational committees in both houses of the General Assembly have become involved in the debate over Illinois higher education. In former years, part-time lay legislators were often ill-prepared to deal with the complexities of Illinois higher education. Staff assistance has permitted legislators to analyze more adequately the budgetary and program proposals made by the IBHE.**

Collective Bargaining in the Public Sector

In 1973, Governor Daniel Walker issued Executive Order Number 6 which granted public sector employees the right to bargain collectively. The specific language of Executive Order No. 6 did not include nor did it exclude faculty members in Illinois institutions of higher education. Professional employees are defined [by later action of the Director of Personnel] as:

> *Any employee engaged in work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; involving the consistent exercise of discretion and judgment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in a field of science or learning customarily acquired by a prolonged course of study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual or physical process.*

**See Figure 2.

Governor Walker's executive order also established the Office of Collective Bargaining and a State Labor Relations Council responsible for certification, decertification, unit determination, hearing petitions for clarification, elections, mediation, impasse resolution, fact-finding and arbitration.

Currently, a minimum of nine bills have been introduced into the Illinois General Assembly dealing directly with collective bargaining for public sector employees. Summaries of each of these bills are appended to this presentation.

In a review of state-wide legislation regarding academic collective bargaining, Tice (18) included the following about Illinois:

> *According to a 1966 ruling, teachers and other local employees may bargain collectively. But Illinois has no statutory provision for public employees. State universities have been bargaining with nonacademic personnel under the authority of the University Personnel Code. The Legislative Commission on Labor Laws drafted a comprehensive bill for the 1971-72 legislature. This went to committee but was tabled in both houses. The same fate met several smaller bills from 1970 to 1972. Senate bill 109, introduced on January, 1973, substantially repeats the 1971-72 bill except that bargaining is restricted to "wages and related economic conditions of employment," employers are not required to bargain over matters of "inherent managerial policy," and all strikes are prohibited.*

There was a full-time equivalent of 446,165 state and local public employees in Illinois as of October, 1971. Of these, 42,210 are employed in higher education, of which 16,844 are instructional staff.

Pending Legislation re: Academic Collective Bargaining

Presently, there are six major bills pending in the Illinois General Assembly with regard to academic collective bargaining. One of these bills introduced into the Senate of the Illinois General Assembly will be focused upon for the purposes of discussion and clarification.

Senate Bill 505 has been referred to as a 'model collective bargaining

bill' by its primary sponsor, Senator Terrance Bruce. It establishes the right of public school employees to organize and bargain collectively, to define and resolve unfair practice disputes, to establish the State Educational Employment Board to administer the Act, and to provide for judicial review. The "State Educational Employment Act" purports to

> *promote orderly and constructive relationships between public school employers and their employees by encouraging the practice and procedure of collective bargaining and "by protecting the exercise of workers of full freedom of association, self organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection. To effect these ends, the Act is considered remediable in nature and should be applied and construed in a liberal fashion." [Section 2, SB 505]*

As with a majority of such legislation, Senate Bill 505 seeks to define collective bargaining as a process which attempts to reduce conflict and confrontation through specific joint participative negotiations, rather than "open warfare" or the negative adversarial modes of behavior illustrated by historical labor/management examples. Keiser (9) states that collective bargaining in and of itself is neither good nor evil, which could be extended to encompass the concept of "the eye of the beholder." Collective bargaining is decidedly a process whereby individual/group differences are discussed "in good faith" by both parties and eventually resolved via a written specified contract.

Senate Bill 505: Definitions

Terminology in collective bargaining legislation is as controversial as the disparity among the diverse segments of higher education. Through an examination of the language of SB 505, the major issues of collective bargaining legislation will be pointed out. Senate Bill 505 uses the following specific language, which should be considered and understood by any con-

scientious university faculty member or administrator:

- Employee: any individual or group of individuals employed by a public school employer except supervisors and non-professional junior college, college and university civil service employees.

- Supervisor: any school superintendents, principals, college president and other persons with like duties or powers relating to employees, including any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsible to direct them or adjust their grievances.

- Employer: any school district, combination of school districts, or state supported junior college, college or university governing boards conducting pre-primary through post-secondary educational programs.

Senate Bill 505's definition of "supervisor" is much more specific than any of the other legislation thus far introduced, but is vague in its definitions of program coordinators, directors or chairpersons. The actual functions that faculty members perform during the course of an academic year includes at least a portion of the supervisor definition.

Two more key terms are "labor organization" and "representative". These are defined as follows:

- Labor Organizations: an organization of any kind in which public school employees participate and which exists for the purpose, in whole or part, of dealing with public school employers concerning grievances, labor disputes, wages, rates of pay, hours or conditions of work.

- Representative: "representative," "employee representative," or "exclusive bargaining representative" mean the labor organization which is the sole and exclusive negotiating agent under this Act.

Electing a Bargaining Agent

In guaranteeing the exclusivity of the bargaining representative, this Act follows the tradition of the National Labor Relations Act (NLRA) which

presently applies only to the private sector of both industry and higher education. Under the provisions of this Act (505), a labor organization may elect an exclusive bargaining agent. The selection of the exclusive negotiating agent follows a rather specific procedure outlined in the 505 bill.

- By 30% or more employees in an appropriate bargaining unit (a unit is defined as any group of employees for which a representative is selected under this Act).
- By a petition requesting an election must be filed with the State Educational Employment Board.
- By an employer alledging that one or more labor organizations have presented a claim to be recognized (the bill does not specify 'presented to whom?').

The State Educational Employment Board shall investigate the petition and provide for a hearing, if justification is provided, and proceed to hold an election. A secret ballot election, with appropriate run-off elections, is held, supervised by the Board. The ballot must contain a "no-agent" alternative choice. Only one election may be held within any twelve-month period of time. The labor organization receiving a majority of votes shall be certified as the exclusive bargaining agent within five working days following the election. Any charges of misconduct of elections also must be filed within the five-day period. The Board will investigate and may order a new election to be held.

Historical precedence is also established in the Bill. Any labor organization representing a majority of employees in a certified or recognized manner on January 1, 1975, shall continue without an election or certification unless a question is appropriately raised (the questioning process is not specified).

Unfair Labor Practices

Senate Bill 505 includes two sections dealing with unfair labor practices: those of either the employer or the employee organization. The specificity is somewhat lacking, but extends current federal legislation (namely Title IV of the Civil Rights Act of 1964). The unfair practices sections of the bill are presented in their entirety with the hope that administrators and faculty members will understand the nature of unfair practices and avoid inappropriate behavior.

Section 17. Employer unfair practices. It is an unfair practice for public employers, their agents and representatives, to

1. *interfere with, restrain or coerce public school employees in the exercise of the rights guaranteed in this Act;*

2. *dominate or interfere with the formation, existence, or administration of any labor organization;*

3. *discriminate in regard to hire, terms or other conditions of employment in order to encourage or discourage membership in any labor organization;*

4. *discharge or otherwise discriminate against a public school employee because he has signed or filed an affidavit, petition, complaint or given any information or testimony under this Act;*

5. *refuse to bargain collectively in good faith with a labor organization which is recognized as the exclusive bargaining representative of its employees;*

or

6. *refuse to reduce a collective bargaining agreement to writing and to sign such agreement.*

Section 18. Labor organization unfair practices. It is unfair practice for a labor organization to:

1. *restrain or coerce a public school employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances;*

2. *refuse to bargain collectively in good faith with a public*

school employer, if the labor organization is the exclusive bargaining representative of the employees;

3. *refuse to reduce a collective bargaining agreement to writing and to sign such agreement;*

or

4. *restrain or coerce an employer in the exercise of rights guaranteed by this Act.*

Impasse and Strike Procedures

A unique feature of SB 505 is the provision for impasse procedures and the allowance of a bargaining unit to strike. If the parties have not reached an agreement by 90 days prior to the scheduled start of the academic school year, either or both parties shall notify the Board. Thirty days following the initial notification, either party may request mediation. However, 30 days prior to the start of the forthcoming academic year, the Board shall invoke mediation and fact-finding. Fact-finding may be requested by either party 25 days before the start of the academic year. The fact-finder shall hold appropriate hearings and make a report within 30 days with recommendations for resolution. The hearings are limited to the employer and the exclusive bargaining representative.

Keeping the mandatory nature of mediation and fact-finding in mind, both parties may agree, within 30 days prior to the start of the academic year, to request contract arbitration before a neutral third party. The arbitration, within this time-frame, is binding upon the employer and the representative, and is incorporated into the collective agreement.

After following the mediation, fact-finding, and arbitration requirements of the Bill, employees may inform the employer of the intent to strike. "If, however, in the opinion of the employer a strike is or has become a clear

and present danger to the health or safety of the public," the employer may initiate a court action for injunction. A strike is defined as the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment.

Current State of Affairs

The current status of Senate Bill 505 is ambiguous, for it is still in the Senate Education Committee and may be forwarded for initial reading to the Senate by the time this presentation reaches the readers. The American Federation of Teachers [AFT] and the Illinois Education Association [an NEA affiliate] are in full support of the intents and purposes of SB 505. Administrators of Illinois higher education have not communicated their collective opinions, which by implication may be interpreted as a "no comment at this time" stance.

The current sentiments of faculty members in Illinois is difficult to measure and much more difficult to characterize. In July, 1971, the Illinois State University chapter of the IAHE, an Illinois Education Association affiliate, petitioned the Illinois Board of Regents sub-system to be recognized for the purposes of bargaining collectively. The request was rejected because legislation covering collective bargaining for public sector employees did not exist and the Board did not want to establish a historical precedent which would exclude Illinois State University from future collective bargaining units. At the March meeting of the Board of Regents sub-system governing members, the chairman did state, in effect, that faculty members within the BOR sub-system would get the right to collectively bargain essentially 'over his dead body.'

The Board of Governors sub-system recently conducted a system-wide referendum on the issue of collective bargaining. The results, shown in Table 1, indicate that faculty members in the BOG sub-system favor collective bargaining. A new executive director of the BOG sub-system has just been employed who has had extensive experience as a negotiator at the collective bargaining tables of a northeastern state.

TABLE ONE.
BOARD OF GOVERNORS: Collective Bargaining Referendum

Question: Are you in favor of system-wide collective bargaining for Board of Governors faculty members? (Circle YES or NO)

Institution	#Distributed	#Returned	#Returned YES	#Returned NO
Eastern Ill.	499	409=82%	289=71%	117=29%
Western Ill.	712	578=81%	509=88%	68=12%
Chicago State	261	253=97%	233=93%	18= 7%
Northeastern	340	247=72%	202=82%	23= 9%*
Governors State	139	98=70%	80=82%	18=18%

*20 invalid returns

Data Source: Board of Governors Office, Springfield, Illinois

Within the BOG sub-system, the American Federation of Teachers, called the University Federation of Professors, has increased its membership 25% since November, 1974. BOG universities have been organized and include over 600 members of the AFT (19), more than 30% of the total Board of Governors faculty.

The Chicago City Colleges and numerous other community colleges throughout Illinois have elected exclusive bargaining agents and have negotiated contracts without specific legislation granting faculty this right. This historical precedence and the relative successes of community college faculty at the bargaining table have influenced faculty at senior institutions to work toward gaining similar bargaining rights.

Comparison: The National Scene and Illinois

In spite of its colorful history of labor organizing efforts Illinois has been slow to respond to conditions in higher education which have led to academic collective bargaining nationally. The time has arrived for Illinois leadership to recognize the symptoms and to respond to the issues before higher education is swept into retaliatory collective organizing behavior with its potential educational Haymarket.

Complex bureaucracies which permeate national higher education are evident in Illinois as well. The 'system of systems' is essentially "coreless" with a collective leadership that essentially defies identification and accountability. Faculty and administrators perceive the system and leadership as depersonalizing their professional contributions and inhibiting their current effectiveness. In an era of power politics and effective student dissent, professional educators have felt powerless and unable to control or influence the conditions under which they exercise their professional skills. Without an appropriate system for voicing professional expectations or exerting leadership, they have looked to collective bargaining with its inherent potentials as a major means to regain control over the decisions which influence their environment and performance. Union organization among Illinois public school

teachers has a reputation for action and success, and it is no coincidence that among faculty at senior public institutions in the Board of Governors sub-system, AFT membership has increased 25% since November, 1974.

Budgetary control or understanding was not a major issue during the rather free-spending, building years in Illinois higher education. However, during the current tight money and resultant fluctuating stock market reminiscent of the late 1800's, administrators and faculty have become acutely aware of their lack of actual influence and authority over their financial affairs. Richman and Farmer (15) state that economic conditions will force change on faculty and administrators during "the remaining years in the 1970's and beyond if adequate changes are not brought about through internal initiative. If we [Richman and Farmer] are right, the game will change quickly and dramatically. And it is not likely to be an easy change for either professors of administrators."

Powerful trends toward egalitarianism in society have led to major changes in traditions within the educational system in Illinois. Historically, higher education has had a direct influence upon continuing public school development. It is rather interesting to note that collective bargaining as a process may be the first major influence that public school educators have had upon higher education. AFT affiliates are visibly strong in many Illinois public school districts, and some unaffiliated school districts have been successful in employing collective bargaining tactics. The so-called elitist "pecking order" is giving way to forces of societal equalization at such a rapid rate that educational traditionalists are unable to comprehend the movement or defend their former strongholds. Professionals, administrators and faculty, unsuccessful in exerting their influence will be challenged to examine

their disdain of union organizing and collective bargaining.

Nationally, the legal environment has provided encouragement for legislation protecting the rights of public employees, and many omnibus collective bargaining bills have been passed into state statutes. Illinois legislators, many with a labor union background themselves, have sponsored legislation which influences and encourages the establishment of academic collective bargaining. The specific wording of such legislation also has a leveling effect upon all of Illinois education by failing to distinguish between public schools and higher education. By implication, it may be said that Illinois legislative leaders misunderstand and misinterpret the goals of higher education. Though much of this legislation is pending before the General Assembly, the eventuality of academic collective bargaining can no longer be forestalled.

Given these present conditions in Illinois higher education, professional educators initially need to work toward increasing mutual trust, professionalism and reduction of alienation among themselves. Collective articulation of individual campus goals and objectives must be completed in order to successfully influence those responsible for state-wide governance of higher education. Only through the agonizing process of identifying goals and objectives of higher education and communicating them to governing boards, legislators and the public can professional educators regain their influence and authority over the conditions within which they exercise their skills. These educators must also identify factors which distinguish higher education from public school education in order to protect the individuality of each distinct system.

Reduction of the ambiguity of leadership and institution of meaningful

accountability is essential in order to deal with the complexities of current societal and educational conditions. Governing boards, the Governor, and legislators must clarify their relationships with one another, with state-wide educators and with the citizens of Illinois. The citizens will then become aware of the potential for continuing quality education and of the flexibility necessary to preserve the breadth of services, and will become committed to the financial support of higher education in Illinois.

In essence, traditional adversarial role mentality and role-related tensions desparately need to be modified and restructured through human and humane means.

For if we are not 'in this thing together?'

Why are we in it at all?

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APPENDIX

Current Status of Illinois Legislation

RE: COLLECTIVE BARGAINING

ILLINOIS LEGISLATIVE STUDIES CENTER

APR 21 1975

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S:N:RP  RESEND
/iam lterm inquxx

DFS058 09:09:32 IAM COMMAND COMPLETED

lrumnt bill/0244/02-0730/add

lrumnt bill/0244/02-0730/add/eib

  SB-0730          BILL ADDED.

lrumnt bill/0244/02-0817/add/eib

  SB-0817          BILL ADDED.

lrumnt bill/0244/02-1169/add/eib

  SB-1169          BILL ADDED.

lruser 0244/eib
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ILLINOIS JOINT COMMITTEE
LEGISLATIVE INFORMATION SYSTEM
** SPECIAL USER REPORT **

HB0001	HANAHAN	State Labor Relat'n Brd estbld	APR10	H	CAL ORDER 3RD*
HB0240	RAYSON	Public Employmnt Relatn Act est	APR21	H	CAL ORDER 3RD
HB0241	RAYSON	$250,000-exp Public Employ Brd	APR17	H	COMM ON ASIG"
HB0489	KELLY	Teachers allowed to join union	APR21	H	CAL ORDER 3RD
HBJ922	HOULIHAN,DL	Pub Commun Colleg-teacher dues	MAR24	H	LABOR COMMRCE
SB0505	BRUCE	Pub Schl Employ Collectv bargn	MAR26	S	EDUCATION
SB0730	MOHR,HR	Public Relations, Employmnt Act	APR10	S	LABOR COMERCE
SB0817	SAVICKAS	Public Employee Rights-creates	APR11	S	LABOR COMERCE
SB1169	BRUCE	Public Employmnt Relations Act	APR16	S	LABOR COMERCE

END

*HB 0001 Hanahan has been passed in the Illinois House, 4/21/75, it has been referred to the Senate.

HB-0001 ** COMPLETE BILL STATUS **
HANAHAN, GIORGI, HILL, CHOATE, KELLER AND STUBBLEFIELD.

Creates a State Labor Relations Board to supervise labor elections pertaining to public employee labor organizations, and to hear complaints and investigate charges of unfair labor practices arising between public employers and public employees. Defines "public employer" as public and quasi-public bodies except the Chicago Transit Authority, and Regional Transportation Authority and other than academic personnel of State Universities and Colleges. Requires the State Labor Relations Board to establish a State Public Employees Labor Mediation Panel for arbitration of labor disputes between public employer and public employees. Specifically grants public employee labor organizations the right to bargain collectively with public employers. Provides that coverage commence for educational employees within 6 months after the Act becomes law, for all State employees within one year after the Act becomes law and all local governmental employees within 1 1/2 years after the Act becomes law.

HOUSE AMENDMENT NO. 1.

In area of Mediation and Arbitration provides that within 30 days before expiration of any contract between an employer and exclusive representative of any group of policemen or firemen, final offers must be submitted to the panel. Panel shall select one of the offers and render final award which shall be binding. Requires public employees to request assistance from State Public Employees Labor Mediation Panel, and services shall not be withheld until at least 30 days after such notice.

HOUSE AMENDMENT NO. 2.

Provides this Act does not pre-empt the ordinances, executive orders or legislation of any home rule unit.

HOUSE AMENDMENT NO. 3.

Expands provision that nothing in this Act prohibits recognition of a labor organization as exclusive representative by a public employer by mutual consent by adding requirement that the labor organization represents a majority of the public employees in an appropriate unit.

HOUSE AMENDMENT NO. 4.

Adds definition of "supervisor".

HOUSE AMENDMENT NO. 18.

Adds definition of "professional employee". In Section relating to Right to Organize and Bargain Collectively, provides no unit shall include both professional employees and nonprofessional employees unless a majority of employees in each group vote for inclusion in the unit.

HOUSE AMENDMENT NO. 19.

Gives public employees the right to refrain from joining labor unions and from collective bargaining activities except to extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment. In Unfair Labor Practices prohibiting public employers from dominating or interfering with the formation, existence of administration of any labor organization, adds contribution of financial or other support to it provided an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay. Provides any employee organization which is designated or selected by the majority of public employees in an appropriate unit as their representative for purposes of collective bargaining may require recognition by the public employer in writing. Any collective bargaining contract between a public employer and a labor organization shall supersede any charter, ordinances, rules or regulations adopted by the public employer or its agents.

HOUSE AMENDMENT NO. 21.

Adds prison guards and security personnel to provision of Amendment No. 1.

JAN 08 1975	H	PREFILED WITH THE CLERK			
JAN 23 1975	H	FIRST READING			
JAN 23 1975	H	REFERRED TO COMMITTEE		COMM ON ASIGN	HCOA
FEB 19 1975	H	ASSIGNED TO COMMITTEE		EXECUTIVE	HEXC
MAR 21 1975	H	DO PASS AS AMENDED		018-005-001	HEXC
MAR 24 1975	H	PLACED ON CALENDAR ORDER OF 2ND READING			
APR 09 1975	H	SECOND READING			
APR 09 1975	H		AMENDMENT NO:	01-EXECUTIVE	
APR 09 1975	H		ADOPTED	088-030-001	
APR 09 1975	H		AMENDMENT NO:	02-EXECUTIVE	
APR 09 1975	H		ADOPTED		

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APR 09 1975  H                                  AMENDMENT NO:03-EXECUTIVE      :
APR 09 1975  H                                  ADOPTED      :                 :
APR 09 1975  H                                  AMENDMENT NO:04-EXECUTIVE      :
APR 09 1975  H                                  ADOPTED      :                 :
APR 09 1975  H                                  AMENDMENT NO:05-LAUER          :
APR 09 1975  H                                  FAILED       :078-086-000      :
APR 09 1975  H                                  AMENDMENT NO:06-LAUER          :
APR 09 1975  H                                  FAILED       :039-084-000      :
APR 09 1975  H                                  AMENDMENT NO:07-LEINENWEBER    :
APR 09 1975  H                                  FAILED       :030-059-000      :
APR 09 1975  H                                  AMENDMENT NO:08-LEINENWEBER    :
APR 09 1975  H                                  TABLED       :                 :
APR 09 1975  H                                  AMENDMENT NO:09-HUDSON         :
APR 09 1975  H                                  FAILED       :032-089-001      :
APR 09 1975  H                                  AMENDMENT NO:10-HUDSON         :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:11-HUDSON         :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:12-HUDSON         :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:13-HUDSON         :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:14-HUDSON         :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:15-HUDSON         :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:16-HUDSON         :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:17-HUDSON         :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:18-HANAHAN        :
APR 09 1975  H                                  ADOPTED      :                 :
APR 09 1975  H                                  AMENDMENT NO:19-HANAHAN        :
APR 09 1975  H                                  ADOPTED      :                 :
APR 09 1975  H                                  AMENDMENT NO:20-LAUER          :
APR 09 1975  H                                  FAILED       :                 :
APR 09 1975  H                                  AMENDMENT NO:21-KOSINSKI,RJ    :
APR 09 1975  H                                  ADOPTED      :                 :
APR 10 1975  H   PLACED ON CALENDAR ORDER OF 3RD READING :                     :
END
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HB-0240 ** COMPLETE BILL STATUS **
RAYSON, GREIMAN AND JAFFE.

Creates the Illinois Public Employment Relations Act. Provides for an Illinois Public Employment Board with broad powers to establish standards for collective negotiations between employers and employees in the public sector. Establishes machinery for the resolution of disputes between public employers and public employees. Prohibits strikes by policemen, firemen and other public employees whose work is essential to health or safety. Permits a limited right to strike by other public employees, only after all mediation, fact-finding and arbitration provisions of the Act have been met. Provides that the Section creating the Board takes effect Jul, 1, 1975, or when the Act becomes law, whichever is later, and the remainder of the Act takes effect 6 months thereafter.

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FEB 04 1975  H   FIRST READING                                  :               :
FEB 04 1975  H        REFERRED TO COMMITTEE  . . . . . :COMM ON ASIGN HCOA:
FEB 19 1975  H        ASSIGNED TO COMMITTEE  . . . . . :LABOR COMMRCE HLBC:
APR 11 1975  H        DO PASS AS AMENDED               :011-003-000   HLBC:
APR 16 1975  H   PLACED ON CALENDAR ORDER OF 2ND READING :                    :
APR 18 1975  H   SECOND READING                          :                    :
APR 18 1975  H                                  AMENDMENT NO:01-LABOR COMMRCE  :
APR 18 1975  H                                  ADOPTED      :                 :
APR 18 1975  H                                  AMENDMENT NO:02-LABOR COMMRCE  :
APR 18 1975  H                                  ADOPTED      :                 :
APR 18 1975  H                                  AMENDMENT NO:03-LABOR COMMRCE  :
APR 18 1975  H                                  ADOPTED      :                 :
APR 18 1975  H                                  AMENDMENT NO:04-TUERK          :
APR 18 1975  H                                  FAILED       :031-075-000      :
APR 18 1975  H                                  AMENDMENT NO:05-TUERK          :
APR 18 1975  H                                  FAILED       :024-090-000      :
APR 18 1975  H                                  AMENDMENT NO:06-TUERK          :
APR 18 1975  H                                  FAILED       :029-071-000      :
APR 21 1975  H   PLACED ON CALENDAR ORDER OF 3RD READING :
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HB-0241 ** COMPLETE BILL STATUS **
RAYSON AND GREIMAN.

Appropriates $250,000 to the Illinois Public Employment Board for the purpose of administering the "Illinois Public Employment Relations Act", enacted by the 79th General Assembly. Effective July 1, 1975, or upon becoming a law, whichever is later.

FEB 04 1975	H	FIRST READING			
FEB 04 1975	H	REFERRED TO COMMITTEE		COMM ON ASIGN	HCOA
FEB 19 1975	H	ASSIGNED TO COMMITTEE		LABOR COMMRCE	HLBC
APR 11 1975	H	DO PASS		011-003-001	HLBC
APR 16 1975	H	PLACED ON CALENDAR ORDER OF 2ND READING			
APR 17 1975	H	RECALLED			
APR 17 1975	H	RE-ASSIGNED TO COMMITTEE		COMM ON ASIGN	HCOA

END

HB-0489 ** COMPLETE BILL STATUS **
KELLY-HANAHAN.

Creates an Act relating to the right of teachers and other educational workers to join unions. Provides that teachers and other employees of public educational institutions may bargain collectively with employers on salaries, hours, working conditions and other agreed matters. Prohibits interference with the right of teachers to join a union, discrimination because of union activity. Authorizes binding arbitration under the Uniform Arbitration Act.

FEB 27 1975	H	FIRST READING			
FEB 27 1975	H	REFERRED TO COMMITTEE		COMM ON ASIGN	HCOA
MAR 04 1975	H	ASSIGNED TO COMMITTEE		LABOR COMMRCE	HLBC
APR 11 1975	H	DO PASS		012-001-003	HLBC
APR 16 1975	H	PLACED ON CALENDAR ORDER OF 2ND READING			
APR 18 1975	H	SECOND READING			
APR 18 1975	H		AMENDMENT NO	01-GEO-KARIS	
APR 18 1975	H		FAILED	015-095-000	
APR 18 1975	H		AMENDMENT NO	02-GEO-KARIS	
APR 18 1975	H		FAILED	017-091-000	
APR 16 1975	H				
APR 21 1975	H	PLACED ON CALENDAR ORDER OF 3RD READING			

END

HB-0922 ** COMPLETE BILL STATUS **
HOULIHAN,DL, SHEA, MADIGAN AND HANAHAN.

Amends Public Community College Act to require the board, when a teacher so requests, to withhold from the teacher's pay his dues for professional teacher's organizations.

MAR 21 1975	H	FIRST READING		
MAR 21 1975	H	REFERRED TO COMMITTEE	COMM ON ASIGN	HCOA
MAR 24 1975	H	ASSIGNED TO COMMITTEE	LABOR COMMRCE	HLBC

END

SB-0505 ** COMPLETE BILL STATUS **
BRUCE, PARTEE, ROCK, DONNEWALD, BUZBEE, DEMUZIO, HALL,K, HICKEY, JOHNS, LANE, MCCARTHY, MORRIS, VADALABENE AND WOOTEN.

An Act to establish the right of public school employees to organize and bargain collectively, to define and resolve unfair practice disputes, to establish the State Educational Employment Board to administer the Act, and to provide for judicial review.

MAR 25 1975	S	FIRST READING		
MAR 25 1975	S	REFERRED TO COMMITTEE	COMM ON ASIGN	SCOA
MAR 26 1975	S	ASSIGNED TO COMMITTEE	EDUCATION	SEDU

END

SB-0730 ** COMPLETE BILL STATUS **
MOHR,HR.

Creates the Illinois Public Employment Relations Act. Provides for the Illinois Public Employment Relations Board to have authority to resolve questions concerning representation and unfair labor practices. Provides for mediation of collective bargaining disputes between public employers and public employees. Prohibits strikes by public employees.

APR 09 1975	S	FIRST READING		
APR 09 1975	S	REFERRED TO COMMITTEE	COMM ON ASIGN	SCOA
APR 10 1975	S	ASSIGNED TO COMMITTEE	LABOR COMMRCE	SLBR

END

SB-0817 ** COMPLETE BILL STATUS **
SAVICKAS, PARTEE, ROCK AND DONNEWALD.

A new Act to establish the right of public employees to organize and to bargain collectively with public employers. Creates an Impasse Resolution Panel and an Illinois Public employment Board. Establishes effective dates.

APR 10 1975	S	FIRST READING	:	:
APR 10 1975	S	REFERRED TO COMMITTEE	:COMM ON ASIGN SCOA:	
APR 11 1975	S	ASSIGNED TO COMMITTEE	:LABOR COMERCE SLBR:	

END

SB-1169 ** COMPLETE BILL STATUS **
BRUCE.

Creates the Illinois Public Employment Relations Act. Provides for an Illinois Public Employment Board with broad powers to establish standards for collective negotiations between employers and employees in the public sector. Establishes machinery for the resolution of disputes between public employers and public employees. Prohibits strikes by policemen, firemen and other public employees whose work is essential to health, safety and welfare. Permits a limited right to strike by other public employees, only after all mediation, fact-finding and arbitration provisions of the Act have been met.

APR 12 1975	S	FIRST READING	:	:
APR 12 1975	S	REFERRED TO COMMITTEE	:COMM ON ASIGN SCOA:	
APR 16 1975	S	ASSIGNED TO COMMITTEE	:LABOR COMERCE SLBR:	

END